

AN ORDINANCE

BY COUNCIL MEMBER CLETA WINSLOW

AN ORDINANCE TO ABANDON A PUBLIC STREET KNOWN AS NORCROSS STREET, LOCATED IN THE HOUSING AUTHORITY OF THE CITY OF ATLANTA, GEORGIA COMMUNITY KNOWN AS HARRIS HOMES AND TO CONVEY SAID ABANDONED STREET AT NO COST TO THE HOUSING AUTHORITY OF THE CITY OF ATLANTA, GEORGIA; TO WAIVE THE PROVISIONS OF SECTION 2-1578 OF THE CITY CODE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta and The Housing Authority of the City of Atlanta, Georgia (the "Housing Authority") for many years have worked as partners to provide adequate housing to the citizens of the City; and

WHEREAS, the Housing Authority is redeveloping Harris Homes into a new master planned, mixed-use, mixed-income, mixed finance community; and

WHEREAS, in conjunction with that redevelopment, the Housing Authority is requesting the City of Atlanta to abandon a public street known as Norcross Street and to convey said abandoned street to the Housing Authority which is the only abutting property owner; and

WHEREAS, pursuant to Section 5(b) of the 2003 Harris Homes Cooperation Agreement by and among the City, the Housing Authority and Fulton County, which has been executed by the City of Atlanta, the City has agreed to convey such abandoned street without cost or expense to the Housing Authority.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. The provisions of Section 2-1578 of the Code of Ordinances are hereby waived, provided however that Section 2-1578(c)(3) requiring certain notifications and Section 138-9 insofar as it pertains to the advertisement and public hearing requirement, shall not be waived.

Section 2. The public street and rights-of-way known as Norcross Street, as shown on the attached survey and as described in the attached legal description, located in the Housing Authority community known as Harris Homes, are hereby declared no longer useful or necessary for the public's use and convenience and upon the passage of the ordinance, shall thereafter cease to be a public street for any purpose whatsoever and the rights of the public in and to said vacated and abandoned streets shall cease.

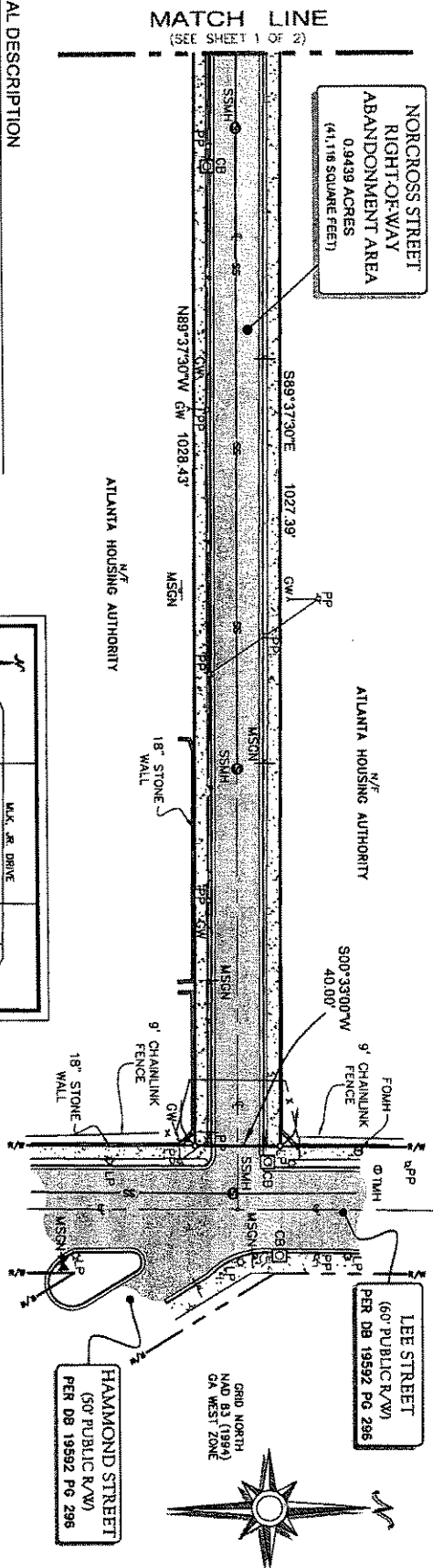
Section 3. Any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time as said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 4. Pursuant to the terms of Section 5(b) of the 1954 Cooperation Agreement and the 1964 Cooperation Agreement (as amended) by and among the Housing Authority, the City of Atlanta and Fulton County, and Section 5(b) of the 2003 Harris Homes Cooperation Agreement by and among the City, the Housing Authority and Fulton County, which has been executed by the City of Atlanta, all of the City's interest in the street and rights-of-way described in Section 2 is hereby conveyed without cost or expense to the Housing Authority.

Section 5. The Mayor is hereby authorized to execute a quitclaim deed conveying said street and rights-of-way to the Housing Authority.

Section 6. In accordance with Section 2-1578 (c) (3) of the City Code, appropriate city personnel shall notify utility owners and city departments including but not limited to Police, Fire, Planning, Traffic and Transportation, MARTA, GADOT and maintain a complete response file for summary by the Commissioner of Public Works.

Section 7. All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the purpose of this ordinance only.



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 108 OF THE 14TH DISTRICT OF FULTON COUNTY (CITY OF ATLANTA, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A THE INTERSECTION OF THE NORTH RIGHT OF WAY OF NORCROSS STREET (APPROXIMATE 40 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE EAST RIGHT OF WAY OF JOSEPH E. LOWERY BOULEVARD (50 FOOT TOTAL RIGHT OF WAY WIDTH);

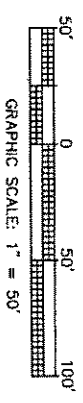
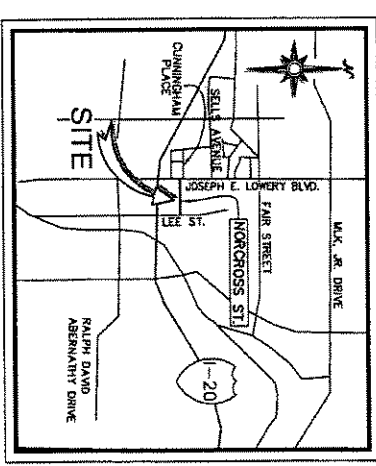
THENCE ALONG SAID NORTH RIGHT OF WAY OF NORCROSS STREET, SOUTH 88 DEGREES 37 MINUTES 30 SECONDS EAST, A DISTANCE OF 1,027.39 FEET TO THE WEST RIGHT OF WAY OF LEE STREET (60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE SOUTH 00 DEGREES 33 MINUTES 00 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE SOUTH RIGHT OF WAY OF NORCROSS STREET;

THENCE ALONG SAID SOUTH RIGHT OF WAY, NORTH 89 DEGREES 37 MINUTES 30 SECONDS WEST, A DISTANCE OF 1,028.43 FEET TO THE EAST RIGHT OF WAY OF JOSEPH E. LOWERY BOULEVARD;

THENCE NORTH 02 DEGREES 02 MINUTES 30 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 0.9439 ACRES (41,116 SQUARE FEET).



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ACCORDING TO THE FLOOD INSURANCE RATE MAP (F.I.R.M.) OF FULTON COUNTY, PANEL NUMBER 13517 0028 C, DATED MARCH 4, 1987, THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA.

| | | | | | |
|-------|--|-----|-------------|------|----|
| SHEET | DATE: NOVEMBER 17, 2005 | NO. | DESCRIPTION | DATE | BY |
| | SCALE: 1" = 50' | | | | |
| 2 | FIELD BOOK: PROJECT PAGE: N/A | | | | |
| | DATE OF FIELD SURVEY: NOVEMBER 8, 2005 | | | | |
| 2 | LAND LOT: 108 | | | | |
| | DISTRICT: 14TH | | | | |
| 2 | SECTION: N/A | | | | |
| | COUNTY: FULTON (CITY OF ATLANTA) | | | | |
| 2 | SURVEYED: BY: AL | | | | |
| | DRAWN: TO | | | | |
| 2 | DESIGNED: BY: AL | | | | |
| | PROJECT NO.: 05-94-487 OF 1590 | | | | |
| 2 | DATE: 05-94-487 OF 1590 | | | | |
| | | | | | |

RIGHT OF WAY ABANDONMENT PLAT FOR NORCROSS STREET

SELIER & ASSOCIATES, INC.

PROFESSIONAL SURVEYORS

124 ANDREW DRIVE/STOCKBRIDGE, GA 30281/678-555-9200
 FIND US ON THE WEB AT WWW.SELIERANDASSOCIATES.COM



CITY OF ATLANTA
DEPARTMENT OF PUBLIC WORKS
 68 MITCHELL STREET, SW, ATLANTA, GA 30335
 (404) 330-6240 FAX (404) 658-7552

DEPT. OF PUBLIC WORKS
 OFFICE OF TRANSPORTATION
 2005 DEC 20 PM 12 52

Request for Abandonment of Public Right-of-Way

Date: December 19, 2005

Name of Street: Norcross Street
 between Joseph E. Lowery Boulevard and Lee Street

Petitioner Name: The Housing Authority of the City of Atlanta, Georgia

(NOTE: Eligible petitioners are abutting property owners and/or their agents.)

Petitioner Address: 230 John Wesley Dobbs Ave., Atlanta, Georgia 30303

Petitioner Phone(s): 404-817- 7237

E-Mail Address: keith.morton@atlantahousing.org

Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

1. A survey plat of the area to be abandoned. Survey plat should be prepared by a registered surveyor in a manner suitable for filing. Plat is subject to review and approval by the Department of Public Works.
2. A list of all abutting property owners, respective addresses, tax parcel codes, deed book and page number of title.
3. An "owner's statement" from each abutting property owner.
4. Fee of \$2,500 for streets abutting the development of residential subdivisions, commercial or industrial tracts OR a fee of \$2,000 for streets abutting individual residential lots. This fee is applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment.
5. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works.

Certification of Intent

I, The Housing Authority of the City of Atlanta, GA the undersigned, do hereby certify that I am a qualified petitioner for the abandonment of the above-listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

(see attached ordinance)


[Signature]
 Notary Public
 Date 12/20/2005
 Shawanna L. Tucker
 Comm. Exp. 12/24/2006
 Notary
 Public
 Fulton County, GA

Please forward all requested information to the Department of Public Works, Atlanta City Hall South, 68 Mitchell Street, Suite 4700, Atlanta, GA 30335 (404) 330-6254

Property Owner's Statement

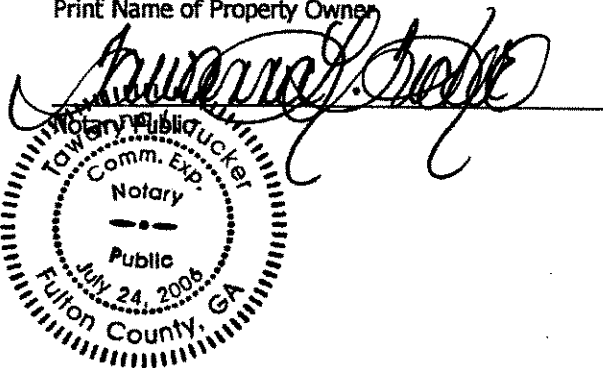
I, The Housing Authority of the City of Atlanta, Georgia (owner's name) the undersigned do hereby certify that
I am the owner(s) of record of real property abutting Norcross Street
a public right-of-way in the city of Atlanta.

I support X/do not support the abandonment of the aforementioned right-of-way. If abandoned, I
will X/will not acquire at fair market value that portion of the right-of-way abutting my property.
(see attached ordinance)


Signature of Property Owner

12/20/2005
Date

RENEE LEWIS Glover
Print Name of Property Owner



12/20/2005
Date

Harris Redevelopment, LLC

CITY0001 City of

| DATE | INVOICE NO | DESCRIPTION | INVOICE AMOUNT | DEDUCTION | BY |
|---|------------|------------------------|----------------|-----------|---------|
| 11-21-05 | CHK REQ 11 | NORCROSS ST ABANDONMEN | 2500.00 | | |
| CHECK DATE | 12-01-05 | CHECK NUMBER | 1238 | TOTAL > | 2500.00 |
| PLEASE DETACH AND RETAIN FOR YOUR RECORDS | | | | | |
| | | | | | 2 |

THE FACE OF THIS DOCUMENT HAS A MULTI-COLORED BACKGROUND • THIS PAPER CONTAINS FLUORESCENT FIBERS AND OTHER SEC

Harris Redevelopment, LLC

60 Piedmont Avenue
Atlanta, GA 30303
404-224-1860

SunTrust Bank
Atlanta, GA 30303

DATE December 4 2005 CHECK NO. 4000 AM *****

DEPT. OF PUBLIC WORKS
OFFICE OF TRANSPORTATION
2005 DEC 20 PM 12 49